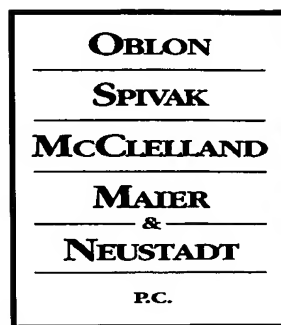




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ATTORNEYS AT LAW

Docket No.: 216645US40

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/054,973
Applicants: Kyle W. HUKARI, et al.
Filing Date: January 25, 2002
For: PROTECTIVE LAYERS FOR OPTICAL COATINGS
Group Art Unit: 1775
Examiner: A. A. TURNER

SIR:

Attached hereto for filing are the following papers:

Election in Response to Restriction Requirement (2 pp.)

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KYLE HUKARI ET AL. : EXAMINER: TURNER, A. A.
SERIAL NO: 10/054,973 :
FILED: JANUARY 25, 2002 : GROUP ART UNIT: 1775
FOR: PROTECTIVE LAYERS FOR
OPTICAL COATINGS

ELECTION IN RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

SIR:

In response to the Restriction Requirement dated July 1, 2003, Applicants hereby elect, with traverse, to prosecute the invention of Group I (Claims 1-34, drawn to a method).

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinction. M.P.E.P. § 803.

Applicants respectfully traverse the Restriction Requirement because there is no evidence of record that supports the Office Action assertion that the product of Group II can be made by a method different than that of Group I, in particular by a different method "such as performing the coating and attaching it to the substrate via an adhesive layer".

Further, Applicants respectfully traverse the Restriction Requirement on the additional grounds that the Office has not shown that a burden exists in searching all of the claims. Applicants respectfully point out that thousands of U.S. patents have issued in which many more than two subclasses are searched, and the Office cannot reasonably assert that a burden

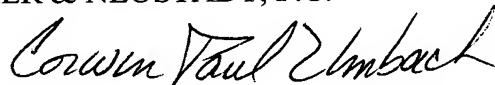
exists in searching only two subclasses. Although the classifications may be different, the subject matter is sufficiently overlapping that the concurrent search of all of the claims does not create a serious burden on the Examiner.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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